

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTRAL STATES, SOUTHEAST AND
SOUTHWEST AREAS PENSION FUND;
CENTRAL STATES, SOUTHEAST AND
SOUTHWEST AREAS HEALTH AND
WELFARE FUND; and
ARTHUR H. BUNTE, JR., as Trustee,

Plaintiffs,

v.

CALDWELL & HARTUNG, INC.,
an Iowa corporation,

Defendant.

Case No. 18 C 2075

Honorable Charles R. Norgle, Jr.
District Judge

**PLAINTIFFS' AGREED MOTION
FOR ENTRY OF CONSENT JUDGMENT**

Central States, Southeast and Southwest Areas Pension Fund (the "Pension Fund"), Central States, Southeast and Southwest Areas Health and Welfare Fund (the "Health Fund" and with the Pension Fund collectively referred to as the "Funds"), and Arthur H. Bunte, Jr., as Trustee, hereby move this Court to enter a consent judgment in favor of the Pension fund and against Defendant, Caldwell & Hartung, Inc. ("Caldwell"). In support of this agreed motion, Plaintiffs state as follows:

1. Plaintiffs filed the Complaint to collect contributions and withdrawal liability, interest and penalties from Caldwell under the Employee Retirement Income Security Act of 1974 ("ERISA") as amended by the Multiemployer Pension Plan Amendments Act of 1980, 29 U.S.C. § 1001 *et seq.*

2. The parties have agreed to the entry of a consent judgment in favor of the Funds and against Caldwell. A copy of the proposed Consent Judgment is attached

hereto as Exhibit 1. The proposed Consent Judgment will also be submitted electronically to the Court's e-mail address for proposed orders.

3. Prior to the filing of this motion, Plaintiffs' counsel, Anthony E. Napoli, communicated with Caldwell's counsel, Mark Hansen, and Mr. Hansen stated that he agreed to the granting of this motion.

WHEREFORE, Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund and Arthur H. Bunte, Jr., as Trustee, respectfully request that the Court enter the Consent Judgment attached hereto as Exhibit 1.

Respectfully submitted,

/s/ Anthony E. Napoli

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December 10, 2018

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Anthony E. Napoli, one of the attorneys for the Plaintiffs, certify that on December 10, 2018, I electronically filed the foregoing *Plaintiffs' Agreed Motion for Entry of Consent Judgment* with the Clerk of the Court using the ECF system. This filing was served on all parties indicated on the electronic filing receipt via the ECF system.

/s/ Anthony E. Napoli

December 10, 2018

ATTORNEY FOR PLAINTIFFS